

REMARKS

In the Office Action mailed on March 28, 2003, claims 1-35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Van De Pavert in view of Boyer et al. (U.S. Patent No. 6,208,973) ("Boyer") and further in view of Modica et al. (U.S. Patent No. 5,944,869) ("Modica"). The foregoing rejections are respectfully traversed.

Claims 1-35 are pending in the subject application, of which claims 1, 10, 17, and 24 are independent claims.

Amendments to the Figures:

Figures 9A, 9B, 10A, 10B, and 11 are amended herein to be labeled as "Prior Art."

Amendments to the Claims:

Independent claim 36 is added herein. Care has been exercised to avoid the introduction of new matter.

Rejections of the Claims:

On page 3, the Examiner stated that Van De Pavert does not explicitly disclose or suggest comparing the authentication balance and the non-authentication balance and determining that an illegal process has been performed when the non-authentication balance is larger than the authentication balance (citing Modica, col. 5, line 59 – col. 6, line 20).

The claimed invention recites determining that an illegal process has been performed with the card when the non-authentication balance is larger than the authentication balance.

Modica discusses a method for the recovery of lead from exhausted lead-acid storage batteries (Modica, Abstract). Modica discusses comparing the balance of matter and energy (Modica, col. 5, lines 45-61). Modica does not disclose or suggest, in the section cited by the Examiner, a determination that an illegal process has been performed when one of the balances is larger than the other.

Further, it is very unlikely that someone skilled in the art would have been motivated, at the time the invention was made, to combine Modica and Van De Pavert, because the two

inventions are completely unrelated, e.g., Van De Pavert being a card payment system and Modica being a system for recovery of lead from a battery.

Therefore, claims 1, 10, 17, and 24 of the subject application are patentably distinguishable over the cited references. In addition, dependent claims 2-9, 11-16, 18-23, and 25-35 are allowable based in part on their dependency, directly or indirectly, from one of claims 1, 10, 17, and 24.

New Claim 36:

New independent claim 36 recites "determining that an illegal process has been performed with the card when the non-authentication balance is larger than the authentication balance." Therefore, new claim 36 is allowable based in part on the reasons discussed above.

Withdrawal of the foregoing rejections is respectfully requested.

There being no further objections or rejections, it is submitted that the application is in condition for allowance, which action is courteously requested. Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters. If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 6.25.2003

By: 

Matthew Q. Ammon
Registration No. 50,346

700 Eleventh Street, NW, Suite 500
Washington, D.C. 20001
(202) 434-1500